

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

THOMAS H. FLUHARTY,  
Trustee of the Chapter 11 Bankruptcy Estates of  
Dennis Ray Johnson, II (No. 3:16-BK-30227);  
DJWV2, LLC (No. 3:16-BK-30062);  
Southern Marine Services, LLC (No. 3:16-BK-30063);  
Southern Marine Terminal, LLC (No. 3:17-BK-30064);  
Redbud Dock, LLC (No. 3:16-BK-30398);  
Green Coal, LLC (No. 3:16-BK-30399);  
Appalachian Mining & Reclamation, LLC (No. 3:16-BK-30400)  
Producer's Land, LLC (3:16-BK-30401);  
Producer's Coal, Inc. (3:16-BK-30402);  
Joint Venture Development, LLC (No. 3:16-BK-30403),

Plaintiffs,

v.

CIVIL ACTION NO. 3:17-4220

PEOPLES BANK, NA,  
PEOPLES INSURANCE AGENCY, LLC, and  
GREAT AMERICAN INSURANCE COMPANY OF NEW YORK.

Defendants.

**ORDER**

Pending before the Court are Defendant Great American Insurance Company of New York's ("Great American") Motion to Set a Hearing on Motion to Dismiss (ECF No. 38) and Defendant Peoples Bank, N.A.'s ("Peoples Bank") Motion to Set a Hearing on Motion to Dismiss (ECF No. 44). Given that the Court has resolved both Motions to Dismiss (ECF No. 95 & 101) the Court **DENIES** the two Motions to a Set Hearing as moot.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: September 17, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE